



Roll Call Number

08-1325

Agenda Item Number

31 A

Date July 28, 2008

**RESOLUTION APPROVING ISSUANCE OF CERTIFICATE OF COMPLETION
FOR HIGHER EDUCATION LEARNING CENTER DEVELOPMENT -
DISPOSITION PARCEL NO. 01-4A, METRO CENTER URBAN RENEWAL PROJECT**

WHEREAS, on December 2, 2002, by Roll Call No. 02-2819, the City Council of the City of Des Moines approved an Urban Renewal Agreement for Sale of Land for Private Development (“Development Agreement”) with John and Mary Pappajohn Higher Education Center Foundation (“Developer”) wherein the Developer has undertaken construction of higher education learning center building improvements on the property described on Exhibit “A” (“Property”); and

WHEREAS, the terms of the Development Agreement provide that the City shall issue the Certificate of Completion upon the City’s determination of satisfactory completion of the development Improvements and the Developer has requested that the Certificate of Completion for the higher education learning center building development be issued; and

WHEREAS, City staff has inspected the development improvements and found the Improvements have been completed in substantial compliance with the terms of the Development Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa:

1. The City Council hereby finds and acknowledges that Developer has satisfied its obligation to construct the Improvements on the Property in substantial compliance with the provisions of the Development Agreement, as amended, and the approved Construction Plans.

2. This resolution shall constitute the issuance of a Certificate of Completion for the Improvements on the Property in accordance with Section 210 of the Development Agreement. Pursuant to Section 211 of the Development Agreement, the obligations and covenants contained in the Development Agreement with respect to construction of the Improvements on the Property, and the dates for the beginning and completion thereof, are hereby deemed satisfied and terminated.

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3. The City hereby releases all reversion rights in the Property reserved by the City under the terms of the Development Agreement and the Special Warranty Deed filed in the Office of the Polk County Recorder commencing at Book 10077, Page 326.

Moved by Kiernan to adopt.

APPROVED AS TO FORM:

Lawrence R. McDowell
Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. Franklin Cowell Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Diane Rauh

City Clerk